

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 11-28 are presently active in this case. The present Amendment amends Claims 11 and 20; and adds new Claims 27-28 without introducing any new matter.

The outstanding Office Action rejected Claims 11-26 under 35 U.S.C. §112, second paragraph, as indefinite. Claims 11-15, 18-22 and 24-26 were rejected under 35 U.S.C. §103(a) as unpatentable over Suonvieri (U.S. Patent No. 6,718,158, herein "Suonvieri '158") in view of Sounvieri (U.S. Patent No. 6,571,284, herein "Suonvieri '284"). Claims 16-17 and 23 were rejected under 35 U.S.C. §103(a) as unpatentable over Suonvieri '158 in view of Suonvieri '284 in view of Hazeltine et al. (Internet publication of GEG-Marconi, herein "Hazeltine").

Applicant thanks the Examiners for the courtesy of an interview extended to Applicant's representative on August 23, 2006. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. No agreement was reached pending the Examiner's further review when a response is filed. Arguments and claim amendments presented during the interview are reiterated below.

During the above-noted interview, the Examiners asked for clarification of what is meant by "resources" recited in Claim 1. Applicant respectfully submits that "resources" is a term commonly used in the field of network telecommunications that refers to the means and devices required for running of the network. Furthermore, the specification provides several non-limiting explanations concerning the word "resources." For example, page 6, lines 8-10 of the specification states "the resources comprise time resources that must be available to a station," and page 7, lines 4-7 recites "For example, these RGi resources are composed of

information specific to Group Gi, for example PG...numbers, route numbers, time slot allocations dedicated to communications in group Gi.”

To vary the scope of protection recited in the claims, new Claims 27-28 are added for examination. New Claims 27-28 depend upon Claims 11 and 20, respectively and recite “a memory storing resources initially assigned at the network design stage of the network with planned resources.”¹ Since new Claims 27-28 find non-limiting support in the disclosure as originally filed, they are not believed to raise a question of new matter.²

In response to the rejection of Claims 11-26 under 35 U.S.C. §112, second paragraph, as being indefinite for using the expression “real,” Applicant respectfully traverses the rejection, since Applicant’s specification clearly explains the meaning of a dummy station and a real station. In Applicant’s specification at page 6, lines 32-35, it is clearly explained that “[i]f communications have to be restored during operation, the dummy station will be materialized into a real station to which resources will be allocated,” and at page 7, lines 9-18 that the real station is created by “materializing one or several dummy stations FG_i among the relay stations R_i and supplying them with all resources RG_i calculated at the network design.” It is therefore believed that the “real station” as recited in Applicant’s claims, is clearly explained in the specification as originally filed, and that this expression is not indefinite. Even if assumed that the expression “real station” is not clear taken by itself, Applicant may be his own lexicographer, as explained in MPEP §2111.02 III.

To clarify Applicant’s invention, independent Claims 11 and 20 are amended. In particular, Claim 11 is amended to further define the dummy station, to recite “keeping an image of the communications existing in the at least one group, the dummy station not participating in the communications itself.” Claim 20 is amended to recite a similar feature.

¹ Finds non-limiting support in Applicant’s disclosure as originally filed, for example at page 6, lines 27-31.

² See MPEP 2163.06 stating that “information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter.”

These features find non-limiting support in Applicant's disclosure as originally filed, for example from page 6, line 16, to page 7, line 7 and Figure 2. Although the exact wording of the amended language of Claims 11 and 20 is not literally found in the specification as originally filed, it is believed that these features are inherent to the teachings of Applicants' specification being dummy station FGi capable of relaying all the communications of the group, and also configured to materialize into a real station. Regarding the expression "dummy," the American Heritage Dictionary of English Language, Fourth Edition, 2000, defines this expression as follows:

1. An imitation of a real or original object, intended to be used as a practical substitute.
2. Computer Science. A character or other piece of information entered into a computer only to meet prescribed conditions, such as a word length, and having no effect on operations.

Based on the above definition of the meaning of the expression "dummy," and also based on the inherent features resulting of the teachings in Applicant's specification, it is believed that no new matter is introduced to Claims 11 and 20. In addition, the court has clearly held that literal support for claimed expressions is not required, since "[t]he written description requirement and its corollary, the new matter prohibition of 35 U.S.C. §132, both serve to ensure that the patent applicant was in full possession of the claimed subject matter on the application filing date." See *TurboCare Division of Demag Delaval Turbomachinery Corp. v. General Electric Co.*, 264 F.3d 1111, 60 USPQ2d 1017 (Fed. Cir. 2001).

In light of the amendments to independent Claims 11 and 20, Applicant respectfully requests reconsideration of the rejections under 35 U.S.C. §103(a) and traverses the rejections, as discussed next.

Briefly recapitulating, Applicant's Claim 11 relates to a process for keeping and/or restoring communications within a network with planned resources, wherein the network

includes stations arranged in at least one group, wherein each group includes at least two stations linked together, and links between the at least two stations can change with time. The process includes, *inter alia*, the steps of: associating a dummy station to one of the groups, the dummy station including resources ***keeping an image of the communications existing in the at least one group***, the dummy station ***not participating in the communications itself***, and configured to materialize into a real station, wherein the resources are allocated to the stations in the groups.

As explained in Applicant's Specification at page 2, lines 11-26 with corresponding Figure 1, Claim 11 can improve upon background processes for keeping and restoring communications, because the continuity of communication services between mobile stations can be ensured.

Turning now to the applied references, Suonvieri '158 describes a method of monitoring the operation of a cellular radio system, including base stations and a repeater 1, the repeater being configured to repeat signals sent by a base station BSC on traffic channels.³ Suonvieri '158's cellular radio system further includes a *network management center O&M* connected to a mobile switching center MSC.⁴ In Suonvieri '158, the repeater 1 is adapted to receive a traffic channel list sent by the base station BSC, the traffic channel list is compared with the traffic channels used by the repeater 1, and an alarm is given if the traffic channels used by the repeater 1 differ from the traffic channels included in the traffic channel list.⁵ However, Suonvieri '158 ***fails to teach or suggest*** the claimed

associating a dummy station to one of the groups, the dummy station including resources ***keeping an image of the communications existing in the at least one group***, the dummy station ***not participating in the communications itself***, and configured to materialize into a real station.

³ See Suonvieri '158 in the Abstract.

⁴ See Suonvieri '158 at column 3, lines 49-66.

⁵ See Suonvieri '158 for example in the Abstract, at column 3, lines 21-29 and in the flowchart of Figure 1.

The outstanding Office Action asserts that Suonvieri '158's network management center O&M reads upon the claimed dummy station.⁶ However, amended independent Claims 11 and 20 newly recite that the dummy station is "not participating in the communications itself," and is configured to materialize into a real station, and accordingly, a network management center cannot read upon the claimed dummy station. In Suonvieri '158, the O&M center is responsible for managing the mobile switching center MSC and receive messages from the repeater 1,⁷ and therefore, it is not possible that the O&M center is "not participating in the communication itself," as recited in amended Claim 11.

Claim 11 further recites that the dummy station is "including resources keeping an image of the communications existing in the at least one group." As explained above, in Suonvieri '158, a traffic channel list is *sent by the base station* to the repeater.⁸ Accordingly, Applicant believes that Suonvieri '158 fails to teach or suggest the reallocating of resources of the dummy station to the at least one relay station after the setting-up. The outstanding Office Action asserts that Suonvieri '158 teaches such a feature, and points out to Suonvieri '158 at columns 3-4, lines 62-4.⁹ Applicant respectfully disagrees with such assertion, since Suonvieri '158 fails to teach a dummy station, and since Suonvieri '158 clearly explains that control signals CNT sent between the repeater 1 and the O&M management center can change the settings of the repeater. However, as explained above, it is believed that the outstanding Office Action wrongly asserted that the O&M reads upon Applicant's claimed dummy station. Even if we assume *in arguendo* that Suonvieri '158's O&M center reads upon Applicant's dummy system, Suonvieri '158 explains from column 3, line 62 to column 4, line 4 that the O&M management center can *change the settings of the repeater*.

⁶ See the outstanding Office Action at page 3, lines 7-9, and page 7, lines 1-3.

⁷ See Suonvieri '158 at column 4, lines 22-33.

⁸ See Suonvieri '158 at column 1, lines 53-58.

⁹ See the outstanding Office Action at page 7, lines 7-9.

Applicant further respectfully submits that the secondary reference Suonvieri '284, used by the outstanding Office Action as a basis for the 35 U.S.C. §103(a) rejection, does not remedy the deficiencies of Suonvieri '158, as next discussed.

Suonvieri '284 describes the integrating of a repeater management into the management system of a wireless telecommunication network, wherein each repeater R1, R2, R3 is sent an update message B1, B2, B3 containing parameters for reconfiguring the repeater.¹⁰ The network management system NMS sends the update messages to the individual repeaters.¹¹ Suonvieri '284 is silent on the use of dummy stations, and also does not teach or suggest that the dummy station comprises resources keeping an image of the communications existing in the at least one group, the dummy station not participating in the communications itself, as recited in Applicant's amended, independent claims.

Therefore, even if the combination of Suonvieri '158 and Suonvieri '284 is assumed to be proper, the combination fails to teach every element of the claimed invention. Specifically, the combination fails to teach the claimed associating a dummy station to one of said at least one group, the dummy station not participating in the communications itself, and configured to materialize into a real station, and also fail to teach or suggest the reallocating of resources of the dummy station to the at least one relay station after said setting-up. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.¹²

In response to the rejection of Claims 16-17 and 23 under 35 U.S.C. §103(a), since the independent claims are believed to be allowable, dependent Claims 16-17 and 23 are also believed to be allowable. Further, the reference Hazeltine does not remedy the deficiencies

¹⁰ See Suonvieri '284 in the Abstract.

¹¹ See Suonvieri '284 at column 6, lines 20-43.

¹² See MPEP 2142 stating, as one of the three "basic criteria [that] must be met" in order to establish a *prima facie* case of obviousness, that "the prior art reference (or references when combined) must teach or suggest all the claim limitations," (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

of Suonvieri '158 and Suonvieri '284. Hazeltine disclose a communication platform for high-reliable radio communications, but does not disclose the above noted features regarding the associating of a dummy station to one of the at least one group, the dummy station not participating in the communications itself, and being configured to materialize into a real station, and also does not teach or suggest the reallocating of resources of the dummy station to the at least one relay station after the setting-up. Therefore, even if the combination of Hazeltine with Suonvieri '158 and/or Suonvieri '284 is assumed to be proper, the combination fails to teach or suggest every element of Applicant's independent claims.

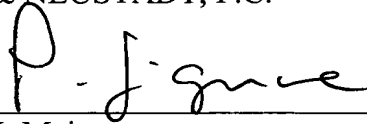
Furthermore, the applied references fail to teach or suggest features of Applicant's amended, dependent Claim 15. Since in Suonvieri '158's network management center O&M can send control signals to the repeaters 1 thereby controlling the O&M the repeaters 1 and the transceiver units MS' in a centralized way, and Suonvieri '158's O&M does not read upon the claimed dummy station, as explained above, Suonvieri '158 fails to teach or suggest the allocating resources of the dummy station to the at least one relay station by a ***local activation of the allocating in the dummy station***, as recited in amended, dependent Claim 15. The other references Suonvieri '284 and Hazeltine also fail to teach or suggest such a feature.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 11-28 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Philippe J.C. Signore
Registration No. 43,922